

APPEAL NO. 041085  
FILED JUNE 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 et seq. (1989 Act). A contested case hearing was held on April 14, 2004. The hearing officer resolved the disputed issue by determining that the appellant (claimant) had disability as a result of the injury of \_\_\_\_\_, from November 17 through December 31, 2002, but not on November 16, 2002, or from January 1 through June 4, 2003. The claimant appealed the disability determination that was adverse to him and argued that there is no medical evidence to support a disability period ending on December 31, 2002. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

Disability is a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). In the instant case, the hearing officer was persuaded by Dr. H's medical report dated January 13, 2003, that the claimant's thigh sprain of \_\_\_\_\_, would resolve "after about 1 + month" to the point that the claimant could return to work full duty without restrictions. The hearing could and did determine that the claimant's disability ended on December 31, 2002. There is sufficient evidence to support the hearing officer's disability determination. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb the disability determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **DALLAS FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSTIN S. POLK  
14160 DALLAS PARKWAY, SUITE 500  
DALLAS, TEXAS 75254.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge